

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

In re: )  
 )  
JANEL ELY ) In Proceedings Under Chapter 13  
 Debtor, )  
 ) Case No.: 02-32837  
JANEL ELY )  
 Plaintiff, ) Adv. No.:  
 v. )  
GREENTREE MORTGAGE, )  
 Defendant. )

**COMPLAINT FOR DECLARATORY JUDGMENT**

Comes now the Plaintiff, Janel Ely, and for their Complaint for Declaratory Judgment against Defendant, Greentree Mortgage, pursuant to Bankruptcy Rule 7001, hereby state as follows:

1. That Plaintiffs filed for relief under Chapter 13 of the Bankruptcy Code on August 06, 2002.
2. That Greentree Mortgage, at the time of filing, had a first mortgage on Plaintiffs' real estate.
3. That the first mortgage was in the approximate amount of \$25,254.43.
4. That at the time of filing, the Plaintiffs' residence was worth approximately \$18,000.00.
5. That Greentree Mortgage was notified of the filing of this bankruptcy and supplied with a copy of Plaintiffs' proposed Chapter 13 Plan.
6. That in Section III (G) (2) of Plaintiffs' proposed Chapter 13 Plan, Greentree Mortgage was to be paid a monthly mortgage payment and paid as general secured creditor.

7. That Plaintiffs' plan was confirmed on September 12, 2002.
8. That Plaintiffs' Proof of Claim was filed on September 10, 2002.
9. That Greentree Mortgage has received current monthly mortgage payments by the Trustee.
10. That Plaintiffs' requests the Court enter a Declaratory Judgment finding that upon completion and discharge of their bankruptcy, Plaintiff mortgage payment with Greentree Mortgage are completely current.

WHEREFORE, Plaintiffs' respectfully request this Court enter a Declaratory Judgment finding that upon completion of this Chapter 13 plan and entry of the Discharge Order, the lien held by Greentree Mortgage and that the monthly mortgage payments are completely current and Greentree Mortgage cannot add an additional late fees, attorney fees, etc to the mortgage after the completion of this case.

By: /s/ Mark W. Hunt  
William A. Mueller- #06187732  
Mark W. Hunt- #43484  
The Bankruptcy Center  
#5 Glen Ed Professional Park.  
Glen Carbon, IL 62034  
(618) 656-7941

**NOTICE OF ELECTRONIC FILING AND  
CERTIFICATE OF SERVICE BY MAIL**

STATE OF ILLINOIS ) Case No.: 02-32837  
                          ) SS Adv. No.: 06-  
CITY OF GLEN CARBONE ) Chapter 13  
                          )

Diana Reid, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age, and resides in St. Clair County, Illinois.

On October 4, 2006, Deponent electronically filed with the Clerk of the U S Bankruptcy Court the Complaint for Declaratory Judgment.

The Deponent served electronically the Complaint for Declaratory Judgment to the following parties:

US Trustee

US Bankruptcy Court

James W. McRoberts

and served by mail to the following parties:

GreenPoint Credit  
C/o David G. Wasinger  
1401 S. Brentwood Blvd  
Suite 550  
St. Louis, MO 63144

GreenTree  
Mailstop L800M  
345 St. Peter Street  
St. Paul. MN 55102

GreenPoint Credit Service  
1100 Circle 75 Parkway  
Suite 1000  
Atlanta, GA 30339

by depositing a true copy of same, enclosed in a postage paid properly addressed wrapper, in a Glen Carbon City Branch, official depository under the exclusive care and custody of the United States Postal Service, within the State of Illinois.

By: /s/ Diana Reid

